IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 198 OF 2006

Kanta Tejus Maun ..Petitioner

versus

Tejus Kanubhai Maun ..Respondent

Shri Y. E. Mooman for the Petitioner.

CORAM : DR. D.Y.CHANDRACHUD,J.
DATE : 10TH FEBRUARY,2006

P.C. :

. In a Petition filed by the Respondent for divorce on the ground of cruelty, an interim order has been passed by the learned Trial Judge on 30.9.2005. This order was passed in Interim Application No. 123 of 2005. The learned Counsel appearing on behalf of the Petitioner has submitted that the observations contained in the impugned order are likely to influence the trial of the main Petition for divorce.

. In view of the well settled position in law, the learned Trial Judge will have to dispose of the

Petition for divorce on the basis of the evidence that may be adduced before that Court. Consequently, any observations contained in an interlocutory order cannot come in the way of the trial of the main proceeding. Hence, while disposing of the Petition, it is clarified that the learned Trial Judge shall dispose of Petition No. A-1570 of 2003 without being influenced by any of the observations contained in the Order dated 30.9.2005 which were confined to the disposal of the application for interim relief. Since no other relief has been pressed in this proceeding and considering the limited nature of the clarification, as aforesaid, it is not necessary to issue notice to the Respondents. The Petition, in the circumstances, is dismissed.

(DR. D. Y. CHANDRACHUD, J.)